

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

01-0 -1343

AN ORDINANCE TO CREATE THE ALTA WEST HOUSING ENTERPRISE ZONE; AND FOR OTHER PURPOSES.

WHEREAS, an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, designation of a Housing Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta Urban Enterprise Zone Act, as amended, have been met relative to the creation of The Alta West Mixed-Use Residential and Commercial Enterprise Zone;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: It is found by the Council of the City of Atlanta that the area in and around the Howell Mill Road area, location of the Alta West Housing Enterprise Zone is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with the Howell Mill Road area, are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

Section 2: The Alta West Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Alta West Housing Enterprise Zone shall be expired on

December 31, 2011. The Alta Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Alta West Housing Enterprise Zone is attached hereto as "Exhibit A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The Alta West Hosuing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Exhibit A

Proposed Alta West Mixed-Use
Residential/Commercial Enterprise Zone

LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL OF LAND, LYING AND BEING IN LAND LOT 150, OF THE 17th DISTRICT, BEING IN CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AND DESIGNATED ON A BOUNDARY SURVEY FOR WP SOUTH ACQUISITIONS, L.L.C., & CHICAGO TITLE INSURANCE COMPANY DATED 01/24/01, PREPARED BY HIGHLAND ENGINEERING, INC., AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF 11th STREET, (40' R/W) AND THE WESTERLY RIGHT-OF-WAY OF HOWELL MILL ROAD (50' R/W) AT A #4 REBAR SET THE POINT-OF-BEGINNING (P.O.B.), THENCE, TURNING AND CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF HOWELL MILL ROAD ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 249.70 FEET, AND A CHORD DISTANCE OF 249.59 FEET, WITH A RADIUS OF 2440.84 FEET AT SOUTH 15 DEGREES 25 MINUTES 04 SECONDS EAST (S15°25'04"E) TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 85.44 FEET, A CHORD DISTANCE OF 85.40 FEET, WITH A RADIUS OF 802.21 FEET AT SOUTH 21 DEGREES 23 MINUTES 58 SECONDS EAST (S21°23'58"E) TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F BILTMORE FOOD CO., INC., NORTH 87 DEGREES 33 MINUTES 53 SECONDS WEST (N87°33'53"W) A DISTANCE OF 150.00 FEET TO A #4 REBAR FOUND; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F BILTMORE FOOD CO., INC., SOUTH 09 DEGREES 49 MINUTES 21 SECONDS EAST (S09°49'21"E) A DISTANCE OF 100.00 FEET TO A #4 REBAR SET ON THE NORTHERN RIGHT-OF-WAY OF 10th STREET (60' R/W); THENCE, TURNING AND CONTINUING ALONG THE NORTHERN RIGHT-OF-WAY OF 10th STREET SOUTH 89 DEGREES 04 MINUTES 30 SECONDS WEST (S89°04'30"W) A DISTANCE OF 257.96 FEET TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F RIDICK TIRE CO., NORTH 10 DEGREES 20 MINUTES 44 SECONDS WEST (N10°20'44"W) A DISTANCE OF 299.90 FEET TO A #4 REBAR SET ON THE SOUTHERN RIGHT-OF-WAY OF 11th STREET; THENCE, NORTH 70 DEGREES 32 MINUTES 16 SECONDS EAST (N70°32'16"E) A DISTANCE OF 79.29 FEET TO A P.K. NAIL FOUND; THENCE, TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 70 DEGREES 46 MINUTES 05 SECONDS EAST (N70°46'05"E) A DISTANCE OF 288.41 FEET TO THE PINT-OF-BEGINNING (P.O.B.) AND CONTAINING 2.86 ACRES (124,504 Sq. Ft.).

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TIRE CO.

Exhibit B
Project Location Map

Proposed Alta West Mixed-Use
Residential/Commercial Enterprise Zone

ALTA WEST



Non-e-streets
Non-e-parcels

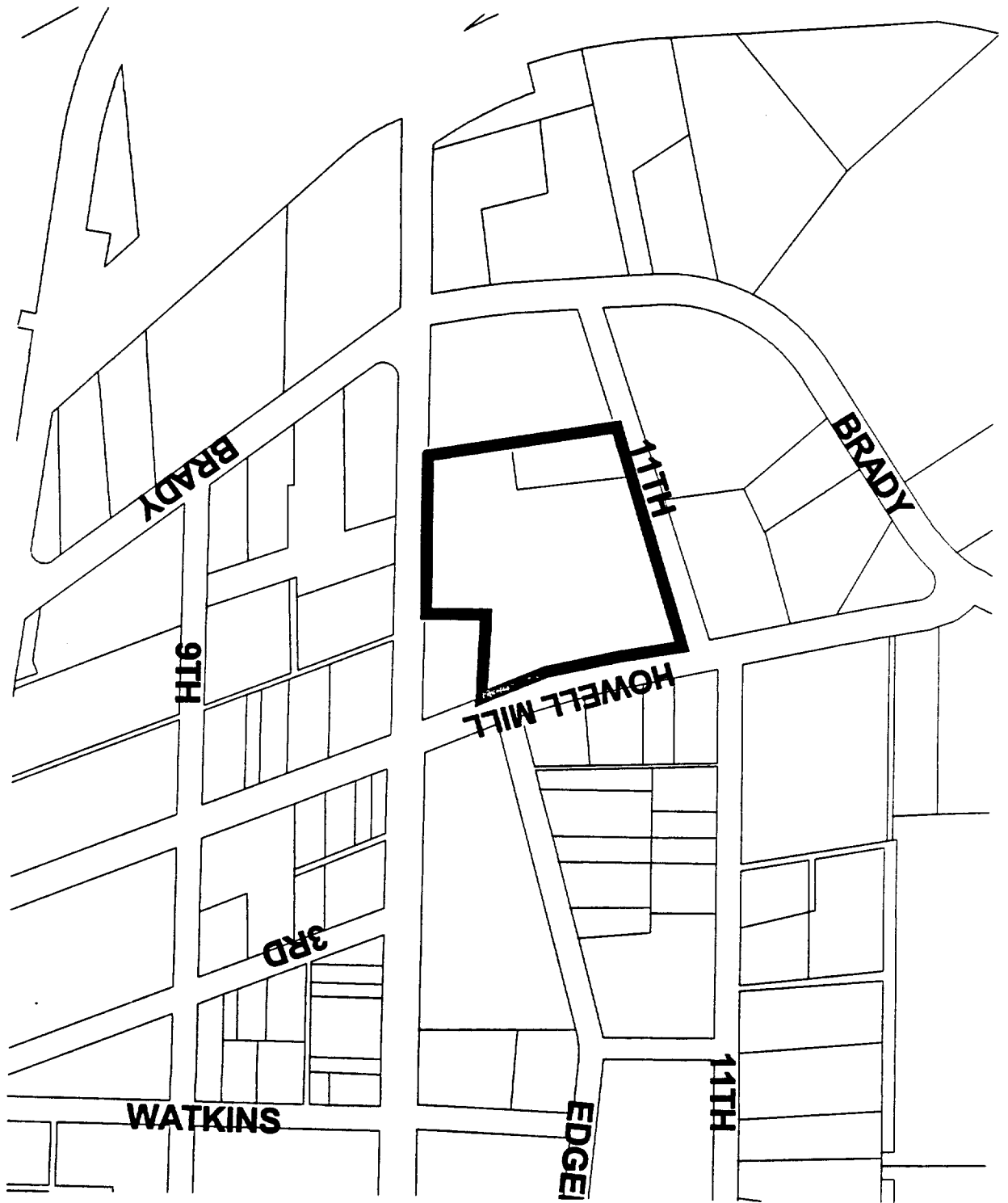


Exhibit C
Acknowledgement Letter

Proposed Alta West Mixed-Use
Residential/Commercial Enterprise Zone



CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION
68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308
404-330-6145 • FAX: 404-658-7491

BILL CAMPBELL
MAYOR

MICHAEL A. DOBBINS
Commissioner

TIM POLK
Deputy Commissioner

ROBERT C. GRAY
Director

Bureau of Planning

July 3, 2001

Wood Partners, LLC
Bill Bollwerk or Ryan Dearborn
110 Northchase Parkway, Suite 150
Marietta, GA 30067

Dear Sirs:

We have received your application for designation of the Alta West Mixed-Use Residential and Commercial Enterprise Zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled a presentation of the application to Neighborhood Planning Unit E on Wednesday, August 1, 2001 at 7:00 p.m. at the Peachtree Branch Library, located at 1315 Peachtree Street, NE. The chair of NPU – E is Randal Lautzenheiser, who may be reached at (404) 874-6296. Please be present at the NPU – E meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Tuesday, September 25, 2001 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Sara Wade Hicks at (404) 330-6728 or Valerie Bell-Smith at (404) 330-6899.

Sincerely,

Robert Gray
Robert Gray

cc: Michael Dobbins, Commissioner
Tim Polk, Deputy Commissioner
Sara Wade Hicks, Assistant Director
Racquel Clement, NPU - V Planner

RG/vbs

EVALUATION OF PROPOSED ALTA WEST HOUSING ENTERPRISE ZONE

Criterion	Required	Proposed	Compliance
1. Eligibility Criteria a. Evidence of Pervasive Poverty b. Unemployment c. General Distress (High Crime or Vacant/Abandoned Buildings) d. Underdevelopment	Area must meet 3 out of 4 Criteria a. Poverty rate of $\geq 20\%$ b. Census tract job loss $\geq 10\%$ of State Average <u>4.0</u> c. High Crime or Vacant/Abandoned Buildings d. Lack of development activity $< 20\%$ for NPU as compared to the city as a whole	a. Poverty rate of $\geq 30\%$ for CT 6 BG 1 b. 3.2 c. Vacant/Abandoned Buildings d. 46% Residential – NPU-E 20% Non-Residential – NPU - E	No
2. Acreage	NONE	2.87 Acres	√
3. CDP Consistency	Mixed Use F.A.R. = n/a	Mixed-Use F.A.R. – 3.16	√
4. Zoning Compliance	Current Zoning Classification I PD-MU	PD-MU	√
5. Project Specificity	Project Specific Zone or $\geq 50\%$ of Areawide Zone	Project Specific	√
6. Project Readiness	$\geq 30\%$ of Units to be Initiated in Year 1	$> 30\%$ in first year	√
7. Non-Displacement	Minimum Displacement	None	√
8. Affordability (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	20% of total units and 10% of each housing type is affordable to households whose income does not exceed 60% of the median for the Atlanta MSA (low income). 20% must bear monthly rents $\leq 30\%$ of low income level, adjusted by family size. 20% must bear purchase prices $\leq \$120,340$ or 2.2 median income for the Atlanta MSA.	20% or 53 units will be reserved for low/moderate-income residents	√
9. Provision for Atlanta police officers and families (Housing and Mixed-Use Residential/Commercial Enterprise Zones)	5% of available units to be offered to Atlanta police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability	Proposes to comply	√
10. Financial Feasibility	<u>sales</u> - affordable units $\geq 20\%$ of total without exemption, or <u>rental</u> (cumulative basis over the 1 st five years) - a. negative cash flow, or b. debt coverage ratio < 1.20 , or c. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified		TBD

Exhibit D Evaluation Checklist

Exhibit E

2001 HUD Income Limits/Affordability

FAMILY SIZE (% OF BASE)	INCOME ADJUSTMENT	LIVING ACOMODATIONS EXPENSES (<30%)	MAXIMUM RENTS
1 PERSON (70%)	\$27,930.00	\$8,379	\$698
2 PERSON (80%)	\$31,920.00	\$9,576	\$798
3 PERSON (90%)	\$35,910.00	\$10,773	\$898
4 PERSONS - BASE	\$39,900.00	\$11,970	\$998
5 PERSONS (108%)	\$43,092.00	\$12,928	\$1,077
6 PERSONS (116%)	\$46,284.00	\$13,885	\$1,157
7 PERSONS (124%)	\$49,476.00	\$14,843	\$1,237
8 PERSONS (132%)	\$52,668.00	\$15,800	\$1,317
Maximum Sales Price \$146,300 (2.2 Rule / 2.2 times the Median Income)			
ASSUMPTIONS: Median Income \$66,500 - SMSA Rent Range is Determined by the Number of Rooms Per Unit and the Atlanta Housing Code Maximum Allowable Persons per Room - 2; A Two-Bedroom Apartment Unit Could Not House More Than a Four Person Household.			

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

(For review & distribution to Executive Management)

Commissioner Signature

[Signature]
Department of Planning

Director Signature

[Signature]
Bureau of Planning

From: Department of Planning, Development
Neighborhood Conservation

Contact: Robert Gray

Committee(s) of Purview: Community Development / Human Resources

Committee Meeting Date (s) 9/12 CD, 9/25 Public Hearing
9/26 CD

Committee Deadline 8/31

City Council Meeting Date 9/17 & 10/1

CAPTION:

AN ORDINANCE TO CREATE THE ALTA WEST HOUSING ENTERPRISE ZONE; AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

Wood Partners, LLC, seeks to develop the Alta West Housing Enterprise Zone, within the existing Northwest Atlanta Two Commercial Enterprise Zone. The proposed development will consist of 265 multi-family units with associated amenities. The units will consist of one- and two-bedrooms. Twenty-percent (20%) or 53 of the 265 units will be reserved for individuals whose annual income does not exceed 60% of the Atlanta Area Median Income (AMI). Total development cost is estimated to be \$27M.

FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed zone.

Mayor's Staff Only

Received by Mayor's Office:

8/28/01
Date

Reviewed:

[Signature]
Initials Date

Submitted to Council

Date

Action by Committee: ☐ Approved ☐ Adversed ☐ Held ☐ Amended
☐ Substitute ☐ Referred ☐ Other